



**Governor's Advisory Council for Exceptional Citizens (GACEC)**  
**516 West Loockerman St., Dover, DE 19904**  
**302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>**

### **MEMORANDUM**

**DATE:** February 22, 2016

**TO:** The Honorable Members of the Delaware General Assembly

**FROM:** Robert D. Overmiller, Chairperson  
GACEC

**RE:** **House Bill No. 229 (School Choice Priority)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 229**, which would amend the statute defining priority categories for school choice.

The current law (lines 10-26) creates the following preferences, in descending order of priority:

1. returning students;
2. students residing in feeder pattern;
3. students with siblings in the school;
4. (discretionary) students living in district, children of school employees, or students who designated as first, second, or third choice; and
5. random lottery.

House Bill No. 229 would create a new preference category between "2" and "3":

(3) Third, to students who have a permanent medical condition or disability that is accompanied with an ongoing risk of a medical emergency who are seeking enrollment in the school based upon the ability of the student's parents, guardian, relatives or designated caregivers to respond to an emergency.

The synopsis offers the following rationale:

This Bill adds a new priority consideration for students who have a medical condition or disability that carries an ongoing risk of a sudden medical emergency. If the parent, relative, guardian or caregiver can demonstrate that they would be able to respond quicker to an emergency at the selected school, the student will receive a priority consideration.

The Council supports the concept of authorizing the new preference subject to additional guidance from the Division of Public Health since it may, in conjunction with other emergency health care planning, enhance the health interests of at-risk students. However, we would like to share the following observations.

The notion of seeking parental appearance to treat a child with a medical emergency is not intuitive. Each public school is required to have a school nurse. See 14 Del.C. §1310(b) and pending House Bill No. 12. Moreover, 29 out of 32 high schools have a school-based health center. See Division of Public Health (DPH) table and fiscal note to House Bill No. 234. By DPH regulation, such centers provide “treatment of minor acute medical conditions”. See 16 DE Admin Code 4102.3.1. Schools are authorized to administer emergency medications for allergic reactions and anaphylaxis. See 14 DE Admin Code 817.7.0. In the event of a “sudden medical emergency”, it would ostensibly be more prudent to solicit on-site nursing or medical assistance and/or call 911. Calling a parent in lieu of immediately seeking emergency medical assistance may not be the preferred approach. The sponsors may wish to consult the Division of Public Health for additional input and guidance.

Thank you for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss should you have any questions.

CC: Karyl Rattay, MD, MSFAAP, FACPM, Director – Division of Public Health